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May 5, 2022

***By ECF***

Honorable Ona T. Wang  
United States District Court  
Southern District of New York

**Re: *National Coalition on Black Civic Participation v. Jacob Wohl*,  
SDNY Case No. 20 Civ. 8668 (VM)(OTW)**

Dear Judge Wang:

On May 8, 2022, the Court ordered Defendants to produce potentially hundreds of documents responsive to RFPs that Plaintiffs served nearly six months ago and Interrogatories that Plaintiffs served nearly four months ago.<sup>1</sup> D.E. No. 190, 182-1, 174-1. Defendants were ordered to produce these documents by May 13, 2022. Under the current schedule, discovery is set to end two days later, on May 15, 2022. D.E. 180. By then, Plaintiffs will already have deposed Defendants Jacob Wohl, Jack Burkman and J.M. Burkman & Associates.

In light of these circumstances, Plaintiffs respectfully request a modest two-week extension of discovery to May 29, 2022, and permission to conduct additional depositions as necessary.

These requests are further necessitated by the fact that Defendant J.M. Burkman & Associates' 30(b)(6) witness, Jack Burkman, was unprepared to discuss all noticed topics during his April 26 deposition. Furthermore, during this deposition, Defendants' testimony revealed the existence of not-yet-produced, responsive documents in Defendants' possession. Plaintiffs requested those documents on the record during the depositions and in an April 28, 2022 email. Both circumstances justify a discovery extension. *See* Fed. R. Civ. P. 32 (Comm. Notes—2000 Amendment) (authorizing additional depositions if witnesses are unprepared for deposition or it becomes clear that requested documents have not been produced).<sup>2</sup>

Counsel for Defendants does not oppose this request. This is the Parties' third request for an extension of the fact discovery deadline. On March 11, 2022, Plaintiffs requested an extension of fact discovery until April 30, 2022. D.E. 172. This request was later resolved when Plaintiffs

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<sup>1</sup> "Defendants" refers only to Jacob Wohl, Jack Burkman, J.M. Burkman & Associates, and Project 1599.

<sup>2</sup> Additionally, Plaintiffs are in the process of serving a deposition subpoena on Kristin Spealman, Defendant Burkman's assistant, whose identity and potential importance to this case only came to light during Mr. Burkman's deposition. Because she appears to be evading service, Plaintiffs may require additional time to perfect service and secure her testimony.

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consented to join in Defendants' request for an extension of fact discovery until May 15, 2022, which the Court granted. D.E. 178, 180.

For the forgoing reasons, Plaintiffs seek an order extending discovery to May 29, 2022, and permission to conduct additional depositions of the Defendants, as necessary, after receiving their forthcoming production.

Respectfully,

/s/ Rick Sawyer

Rick Sawyer  
Special Counsel  
New York State  
Office of the Attorney General

Encl.

cc: Honorable Victor Marrero (via ECF)  
All counsel of record (via ECF)